



**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**February 28, 2000 continued**

**C032579      THE PEOPLE v. EMSLANDER      (Not for Publication)**  
The judgment is affirmed.  
                         KOLKEY, J.  
We concur:    Sims, Acting P.J.  
                         Raye, J.

**February 29, 2000**

**C032579      THE PEOPLE v. EMSLANDER      (Not for Publication)**  
The judgment is affirmed.  
                         KOLKEY, J.  
We concur:    Sims, Acting P.J.  
                         Raye, J.

**C031262      In re RAFAEL P., JR.; ALAN ENGLAND, as Probation Officer, etc. v.  
                         RAFAEL P., JR.      (Not for Publication)**  
The admission by the minor to the supplemental petition filed  
September 17, 1998, and the subsequent order committing the minor to  
Vision Quest are vacated. The matter is remanded to the juvenile court  
for further proceedings.  
                         HULL, J.  
We concur:    Scotland, P.J.  
                         Raye, J.

**C032334      In re DANIELLE N.; YUBA COUNTY DEPARTMENT OF SOCIAL  
                         SERVICES v. DEBORAH B.      (Not for Publication)**  
The orders of the juvenile court are affirmed.  
                         KOLKEY, J.  
We concur:    Sims, Acting P.J.  
                         Raye, J.

**C032754      THE PEOPLE v. TAYLOR      (Not for Publication)**  
The judgment is affirmed.  
                         KOLKEY, J.  
We concur:    Raye, Acting P.J.  
                         Morrison, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**February 29, 2000 continued**

- C031371      THE PEOPLE v. WILLIAMS      (Not for Publication)**  
The judgment is affirmed.  
                    BLEASE, Acting P.J.  
We concur:    Davis, J.  
                    Raye, J.
- C031296      BOWEN v. GATES, as Trustee, etc. et al.      (Not for Publication)**  
The judgment is reversed. The trial court is ordered to enter judgment in  
defendants' favor. Gates and the Academy shall recover their costs on  
appeal.  
                    MORRISON, J.  
We concur:    Scotland, P.J.  
                    Kolkey, J.
- C033019      THE PEOPLE v. ROY, JR.      (Not for Publication)**  
The judgment is affirmed.  
                    KOLKEY, J.  
We concur:    Raye, Acting P.J.  
                    Morrison, J.
- C032437      THE PEOPLE v. HOLMES      (Not for Publication)**  
The judgment is affirmed.  
                    KOLKEY, J.  
We concur:    Sims, Acting P.J.  
                    Raye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**February 29, 2000 continued**

**C030701      JOSEPH v. STREEPER      (Not for Publication)**  
The judgment is reversed insofar as the trial court concluded husband is not entitled to credit for amounts expended on behalf of LCW between October and December 1993. The court is directed to reconsider husband's claim in accordance with the views expressed in this opinion. The court is further directed to correct a clerical error in the computation of spousal support for the period from June 1992 through December 1993 to make the total award match the monthly payments ordered. In all other respects, the judgment is affirmed. Finally, the court is directed to consider wife's request for attorney fees on appeal.  
HULL, J.  
We concur:    Blease, Acting P.J.  
                  Nicholson, J.

**March 1, 2000**

**C034343      COOK v. KPMG et al.**  
On the court's own motion, the appeal filed on November 24, 1999, is dismissed as from a nonappealable order. (See 9 Witkin, Cal. Procedure (4th ed. 1997) Appeal, section 113, p. 178.)  
SCOTLAND, P.J.

**C029742      THE PEOPLE v. BRITT      (Not for Publication)**  
The judgment is affirmed.  
CALLAHAN, J.  
We concur:    Sums, Acting P.J.  
                  Hull, J.

**C030973      THE PEOPLE v. FORD      (Not for Publication)**  
The judgment is affirmed.  
SIMS, J.  
We concur:    Blease, Acting P.J.  
                  Davis, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**March 1, 2000 continued**

**C029406      O'CONNOR v. STATE TEACHERS' RETIREMENT SYSTEM et al.**  
**(Not for Publication)**

It is ordered that the opinion filed herein on January 31, 2000, be modified: (See order for details.)

There is no change in judgment.

Plaintiff's petition for rehearing is denied.

FOR THE COURT:

SIMS, Acting P.J.

Callahan, J.

Kolkey, J.

**March 2, 2000**

**C028376      THE PEOPLE v. GROGAN**

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

**C034324      PADILLA v. PERMANENTE MEDICAL GROUP**

The court having examined the record on appeal and having determined that the appeal is from a non-appealable order, the appeal filed November 23, 1999, is dismissed. (See Modica v. merin (1999) 234 Cal.App.3d 1072.)

SIMS, Acting P.J.

**C034522      SACORE PARTNERSHIP CASES**

Respondents' motion to dismiss the appeal of David L. Bryant is granted. The appeal of H. Dan Izumi is dismissed on the court's own motion as being from a non-appealable order. The court concludes that the automatic federal stay of actions against debtors in bankruptcy does not apply to appellant Izumi.

SIMS, Acting P.J.

**C030610      THE PEOPLE v. ANDERSON      (Not for Publication)**

The judgment is affirmed.

BLEASE, Acting P.J.

We concur:      Sims, J.

Davis, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**March 2, 2000 continued**

- C031555      CLARKE v. HOLDEN      (Not for Publication)**  
The judgment is affirmed.  
                                 NICHOLSON, J.  
We concur:    Blease, Acting P.J.  
                                 Sims, J.
- C033231      In re ROBERT G.; DEPARTMENT OF SOCIAL SERVICES v. DAVID G.      (Not for Publication)**  
The judgment is affirmed.  
                                 RAYE, Acting P.J.  
We concur:    Morrison, J.  
                                 Kolkey, J.
- C033634      DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING v. MERCY  
C034258      HEALTHCARE et al.**  
On the court's own motion the dismissal order of December 9, 1999, in C033634 is vacated and the appeal is reinstated... The remittitur in C033634 issued on February 8, 2000, is recalled....  
Good cause appearing, it is ordered that the above cases be consolidated. All further filings will bear the appellate case number C033634.  
Respondent's motion to dismiss the appeal filed November 22, 1999, is granted. This dismissal does not affect the remaining appeal filed September 13, 1999.  
Respondent's brief in response to the appellant's opening briefs... is to be served and filed on or before April 1, 2000.  
                                 SIMS, Acting P.J.
- C031275      BARBOUR v. TECHNICAL CHEMICAL COMPANY      (Not for Publication)**  
The judgment is reversed and remanded for further proceedings not inconsistent with this opinion. Defendant shall pay plaintiff's costs on appeal.  
                                 MORRISON, J.  
I concur:        Scotland, P.J.  
I respectfully dissent:  
                                 Kolkey, J. (See dissenting opinion for details)

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**March 3, 2000**

The judgment is reversed. Plaintiffs are awarded their costs on appeal.

I concur:           Blease, Acting P.J.

The judgment is affirmed.

We concur: SIMS, Acting P.J.

Callahan, J.